

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

MARY LOU THOMPSON, Individually and
on behalf of HOLLIS WHEELER, Deceased,

Plaintiff

v.

Case No. 4:14-cv-00508

SHRI SHAI, L.L.C., KETAN MASTERS,
and KESAV DAS, d/b/a SOUTH LOOP INN,

Defendants

ORIGINAL COMPLAINT
AND DEMAND FOR JURY TRIAL

COMES NOW the Plaintiff, MARY THOMPSON, individually and on behalf of HOLLIS WHEELER (“WHEELER”), deceased, by and through her undersigned attorneys, and sues the Defendants SHRI SHAI, L.L.C., KETAN MASTERS, AND KESAV DAS, for minimum wage and overtime compensation and other relief under the Fair Labor Standards Act, as amended, 29 U.S.C. § 201 *et seq.* (“FLSA”), in support thereof stating the following:

1. Plaintiff, MARY LOU THOMPSON is an individual residing in Tarrant County, Texas who was employed by Defendants from August of 2011 through April 28, 2014 as a front desk clerk, groundskeeper, and maid, among other duties.
2. HOLLIS WHEELER, the deceased husband of MARY LOU THOMPSON, was employed by Defendants from January 4, 2011 through April 12, 2014 as a front desk clerk and groundskeeper, among other duties.
3. Defendants maintain and operate a hotel called the South Loop Inn, in Fort Worth, Texas.

4. This Court has federal question jurisdiction under 28 U.S.C. § 1331 since the claims in this Complaint arise under federal law, *i.e.*, the FLSA and its private right of action conferred in 29 U.S.C. § 216(b). At all times pertinent to this Complaint, Defendants were an enterprise engaged in interstate commerce, maintaining and operating several hotels in the DFW Metroplex that did a business volume of over \$500,000 a year in gross annual receipts. Plaintiff was additionally individually engaged in commerce; handling goods that had been moved in and produced in such commerce; and regularly and necessarily used the instrumentalities of interstate commerce such as transacting credit card payments and receiving phone calls from persons outside the State of Texas, in the course of her employment under Defendants. Venue is proper in this district under 28 U.S.C. § 1391 as the material facts giving rise to the claims in this Complaint occurred in the Northern District of Texas.

5. Throughout Ms. Thompson and Mr. Wheeler's employment with Defendants, Defendants intentionally failed to pay them the federally mandated minimum wage. Often, Defendants paid them only about \$1 per hour.

6. Throughout their employment with Defendants, Ms. Thompson and Mr. Wheeler worked well over forty hours each week ("overtime hours").

7. Defendants intentionally and willfully failed to pay them one and one-half times their respective regular rates of pay for the overtime hours they worked.

COUNT I (MINIMUM WAGE)

8. Plaintiff, individually and on behalf of WHEELER, re-alleges and incorporates herein the allegations stated above.

9. The acts described in the preceding paragraphs violate the Fair Labor Standards Act, which prohibits the denial of minimum wage compensation for all hours worked in a workweek.

10. As a result of Defendants' unlawful conduct, Plaintiff, individually and on behalf of WHEELER is entitled to actual and compensatory damages equal to the unpaid minimum wage owed. See 29 U.S.C. §§ 206, 216(b).

11. Plaintiff, individually and on behalf of WHEELER, seeks an award of liquidated damages equal to the unpaid minimum wage owed. *See id.*

12. Plaintiff, individually and on behalf of WHEELER, also seeks compensation for the out-of-pocket expenses and court costs incurred in the present action, as well as reasonable and necessary attorney's fees. *See id.*

COUNT II (OVERTIME)

13. Plaintiff, individually and on behalf of WHEELER, re-alleges and incorporates herein the allegations stated above.

14. The acts described in the preceding paragraphs violate the Fair Labor Standards Act, which prohibits the denial of overtime compensation for hours worked in excess of forty (40) per workweek.

15. Defendants willfully denied Plaintiff's right, individually and those of WHEELER, to overtime compensation under the FLSA, well aware of the hours that Plaintiff and WHEELER worked and yet continuously and recklessly refusing to pay overtime compensation for the overtime work Plaintiff and WHEELER did for Defendants. Ms. Thompson, Mr. Wheeler, and other employees repeatedly raised the issue of overtime pay with Defendants, to no avail. Defendants repeatedly told Plaintiff and other employees not to tell anyone about the terms and

conditions of their employment at the hotel, in order to hide the amount that they actually paid them.

16. As a result of Defendants' unlawful conduct, Plaintiff individually and on behalf of WHEELER, is entitled to actual and compensatory damages, including the amount of overtime that was not paid and that should have been paid. See 29 U.S.C. §§ 207, 216(b).

17. Plaintiff, individually and on behalf of WHEELER, further seeks liquidated damages as a result of Defendants' willful failure and refusal to pay overtime compensation. *See id.*

18. Plaintiff, individually and on behalf of WHEELER, also seeks compensation for the out-of-pocket expenses and court costs incurred in the present action, as well as reasonable and necessary attorney's fees. *See id.*

JURY DEMAND

Plaintiff, individually and on behalf of WHEELER, hereby demands a trial by jury on all issues so triable.

WHEREFORE, PREMISES CONSIDERED, Plaintiff requests that:

- A) The Court assume jurisdiction of this cause and that Defendants be cited to appear;
- B) The Court award damages to Plaintiff described above with Defendants being held jointly and severally liable;
- C) The Court award Plaintiff reasonable and necessary attorney's fees and costs;
- D) The Court award Plaintiff pre- and post-judgment interest at the highest rates allowed.

Plaintiff further prays for any such other relief as the Court may find proper, whether at law or in equity.

Respectfully submitted,

ROSS LAW GROUP, P.C.

By:



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